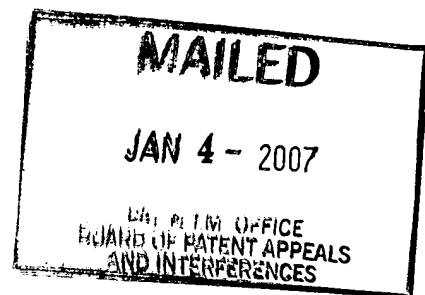


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL BRINKMAN
And KIRK LEWIS



Application No. 10/743,215

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on November 2, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

Application No. 10/743,215

On August 11, 2006, an Order Returning Undocketed Appeal was mailed and the application was returned to the Examiner.

On October 25, 2006, the examiner mailed a communication stating that “The Examiner’s Answer entered on February 15, 2006 has been revised to include U.S. Patent 6,688,567 to Fast et al. and U.S. Patent 6,708,436 to Nagel in the ‘Evidence Relied Upon’ section.” However, there is no indication that the Examiner complied with the requirements of the Order Returning Undocketed Appeal mailed August 11, 2006, namely to issue a revised Examiner’s Answer. This requirement is intended to facilitate review and consideration of the relevant issues on appeal by the Administrative Patent Judges. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to vacate the Examiner’s Answer mailed February 15, 2006, and issue a revised Examiner’s Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8); and

Application No. 10/743,215

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G.P. Edge for Dale Shaw
DALE M. SHAW
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DMS/dal

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